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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,082	04/20/2001	David D'Arcy Clifford	T8466709US	2707

26912 7590 12/17/2002

GOWLING LAFLEUR HENDERSON LLP
COMMERCE COURT WEST, SUITE 4900
TORONTO, ON M5L 1J3
CANADA

EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

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DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839084

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 26 SEPTEMBER 2002
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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1. Paragraph 1 of the last Office action is hereby reiterated.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 are rejected under 35 U.S.C. § 102(b) as being (clearly) anticipated by Clifford.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Clifford in view of Pohl et al.

6. Applicant's arguments filed 26 September 2002 have been fully considered but they are not deemed to be persuasive. The foregoing art rejections are adhered to essentially for the

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reasons of record (see paragraphs 4 and 6 of the last Office action), with the following being additionally advanced in response to applicant's comments, contentions and arguments as set forth at pages 2-5 of the amendment: Regarding (a) the first art rejection, it is reiterated (N.B. page 2 lines 3-5 of paragraph 4 of the last Office action) that the patentee Clifford apparently fairly provides (N.B. column 1 lines 15-19) for the production of non-PLANAR/SHAPED laminates i.e. IF the laminates illustrated in e.g. Fig. 1 of this patentee are indeed intermediate, non-final or non-finished assemblies (i.e. shaping is not effected until AFTER lamination is performed and achieved), then such is seen to be not disclosed in this reference; (b) the second art rejection, apart from the fact that Pohl et al. employ an apparatus and technique of the type envisioned for use by applicant (i.e. for effecting simultaneous bonding and shaping) viz. a comparison of Figures 1, (2) and 3 of these patentees and applicant's Figures 2-3 is seen to indicate and establish an essentially identical correspondence between the two respective apparatuses (apparati?) which would apparently ensure that the same results are obtained along this line in both cases, these patentees fairly and clearly indicate (N.B. column 2 lines 28-34). that the process pressure they apply is indeed UNIFORM; further along this line, bear in mind that the ONLY modification proposed for the (basic) process disclosed in the

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PRIMARY reference to Clifford is constituted by the aforementioned simultaneous laminating and shaping technique; and (c) both art rejections, the "composite stack" limitation recited in applicant's claims (i.e./e.g. claim 1 line 5) is seen to be satisfied by the corresponding assemblage or layup of the patentee Clifford; further along this line, compare the laminate assembly employed by Pohl et al. (i.e. N.B. column 2 lines 2-5 and column 2 line 69 thru column 3 line 4 of these patentees) with applicant's specification at page 6 line 9 and (especially) 10. All of the foregoing notwithstanding, it is noted that, even when using a resin impregnated (fibrous paper) core, the patentee Clifford also apparently REQUIRES (N.B. column 6 lines 22-35) the use of an (additional) adhesive (i.e. separate from the core resin impregnant) as opposed to the applicant Clifford for whom there is apparently no such requirement (N.B. page 6 lines 18-19 and page 7 last two lines of applicant's specification), a resin impregnated core ONLY being sufficient for the intended purpose in the latter instance.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ⁸⁷²⁻⁹³¹¹~~305-3599~~.

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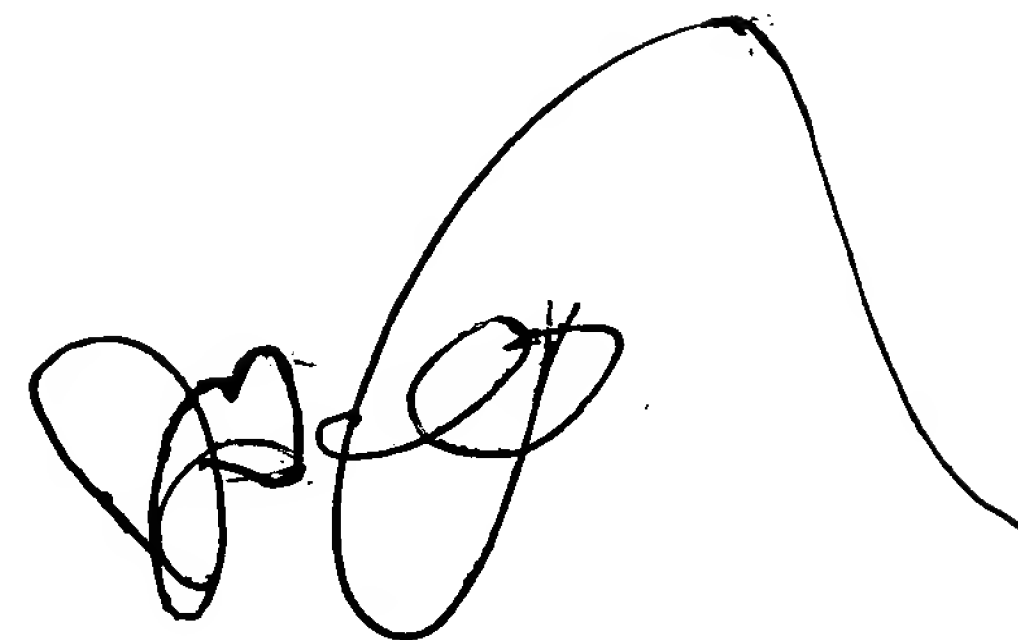
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.


JJGallagher:cdc

December 9, 2002



JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 131/733